



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,935	06/26/2001	Peter Heimann	770P010449-US(PAR)	9290

2512 7590 07/07/2004

PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

EXAMINER

LE, DAVID Q

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,935

Applicant(s)

HEIMANN ET AL.

Examiner

David Q Le

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner's Note

1. The Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all passages in the cited references as potentially teaching all or part of the claimed inventions.

Status of Claims

2. Per the Amendment filed on 24 March 2004:

Claims 1, 3, and 5 were amended.

Claims 7-13 were added.

Claims 1-13 remain pending.

Response to Arguments

3. Applicant's arguments with respect to Claims 1-6 have been considered but they are moot in view of the new rejections.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Le Carpentier**, US Patent No. 4,752,950, in view of **Liechti et al**, US Patent No. 5,715,164, and further in view of **Marlin et al**, US Patent No. 5,546,577.

As per **claims 1, 3, and 5**.

Le Carpentier discloses

A [system/medium/method] for controlling a franking machine from a remote computer (Abstract; Summary of the Invention; Fig 1, associated text), comprising: control software associated with the franking machine and allowing functions of the franking machine to be operated remotely from the computer (Fig 1, 2, associated text); communications apparatus for said franking machine to communicate with said computer; a user application operating on said computer to interface with said control software associated with the franking machine via said communications apparatus (Fig 1-3; associated text);

Liechti also discloses all the above limitations (Abstract; Summary of the Invention; C3, L45-56; Fig 1, 6B, associated text).

Le Carpentier does not explicitly recite

... a programming library associated with the user application, said programming library providing said user application with a series of functional controls of said franking machine by simulating a user interface of the franking machine on the computer and allowing a user to select and control each function of the franking machine remotely from the computer.

However Liechti does disclose that the remote host computer may issue a full library of commands and procedures for the franking machine to execute, including collating statistics, remote configuration, meter setting, etc., as well as transmission of resulting data (C8, L63 – C9, L34; Fig 6B).

Art Unit: 3621

Marlin discloses a data management system controlling a large mail room wherein management software from a host computer controls all types of mailing machines (Abstract; Background of the Invention; Fig 7, associated text), including franking machines (C2, L33-39; L66-67; C11, L34-37), and wherein the management software application uses programming libraries stored in large databases (Fig 7: Mailing MIF Database; Fig 8: MIF Database; associated text) to perform the functional controls over all of the mail room machines (Fig 7-8, associated text; C6, L21-28). Marlin further teaches that his system shall be built using the best graphical user interfaces (Abstract; C1, L15-20; C5, L54-60; C13, L3-18).

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to combine the above features disclosed and taught by Le Carpentier, Liechti, and Marlin in a fully integrated system for controlling remote franking machines, in order to provide a more efficient, better managed, yet user friendly system for controlling the cost and operation of these important machines within an organization.

As per claims 2, 4, and 6.

All three references disclose

... functional controls include at least one item selected from the group consisting of connection, configuration, actions, departments and statistics (see all above citations).

As per claim 12.

Le Carpentier in view of Liechti and Marlin discloses all the limitations of this claim (see citations and Obviousness, Motivation analysis from claims 1, 3, and 5 above).

As per claim 7.

Le Carpentier further discloses

... at least one mailing system peripheral device coupled to the computer and adapted to provide or receive information needed for franking a mailpiece (see all above citations).

As per claim 8

Le Carpentier further discloses

...the at least one peripheral device comprises a postage scale (C3, L51-58).

Art Unit: 3621

As per **claim 9**

Le Carpentier does not recite

...the at least one peripheral device comprises a barcode reader.

However he does teach that "equipment conventionally associated with a franking" machine may be included in his system (C3, L51-58). In addition, Marlin does teach that bar code reading equipment may be used in any large mailing room, the environment in which these systems would be in use (C2, L18-31). It would have been obvious to one ordinarily skilled in the art at the time the invention was made to include barcode readers in such a system, in order to provide all equipment necessary for the operation of a fully functional mailing operation.

As per **claim 10**

Le Carpentier further discloses

... entering a key code in the computer to enable remote control of the franking machine (C8, L43-59).

As per **claim 11**

Le Carpentier further discloses

..disabling a control panel of the franking machine and enable control of the franking machine solely from the computer (C9, L14-20).

As per **claim 13**

Le Carpentier does not disclose

the control library allows a user to reconfigure the layout the user interface of the franking machine on the computer.

However Marlin does teach that the user interface needs to be flexible to accommodate different user needs and different hardware/software platforms (C13, L3-18). Therefore it would have been obvious to one ordinarily skilled in the art at the time the invention was made to allow users to reconfigure the system's user interface in order to make the system as flexible and user friendly as possible, thus increasing its attractiveness and appeal to potential users.

Art Unit: 3621

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

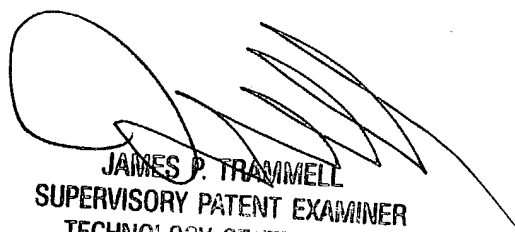
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Le whose telephone number is 703-305-4567. The examiner can normally be reached on 8:30am-5:30pm Mo-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DQL


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600